

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

CIVIL ACTION NO. 2:19-CV-00035

\$18,910 UNITED STATES CURRENCY  
\$15,440 UNITED STATES CURRENCY  
ONE 5 OZ. GOLD BAR  
ONE 1 OZ. GOLD COIN  
EIGHTY 1 OZ. SILVER COINS  
FIFTY 1/10 OZ. SILVER COINS  
TWO 1 OZ. SILVER BULLETS

Defendants.

AMENDED VERIFIED COMPLAINT OF FORFEITURE

Comes now, the United States of America ("Plaintiff"), by and through its attorneys, Michael B. Stuart, United States Attorney for the Southern District of West Virginia, and Christopher R. Arthur, Assistant United States Attorney for the Southern District of West Virginia, and respectfully states as follows:

NATURE OF THE ACTION

1. This is a civil action in rem brought on behalf of the United States of America, pursuant to 18 U.S.C. § 983(a), to

enforce the provisions of 21 U.S.C. § 881(a)(6), for the forfeiture of the defendants' property on the grounds that it was furnished or intended to be furnished in exchange for a controlled substance, or constitutes proceeds traceable to such an exchange, in violation of the Controlled Substances Act, 21 U.S.C. §§ 801 et seq.

**THE DEFENDANT IN REM**

2. The defendants' property is more particularly identified as follows:

- i. \$18,910 in United States Currency;
- ii. \$15,440 in United States Currency;
- iii. One 5 ounce gold bar;
- iv. One 1 ounce gold coin;
- v. Eighty 1 ounce silver coins;
- vi. Fifty 1/10 ounce silver coins; and
- vii. Two 1 ounce silver bullets.

The above items were seized on or about November 16, 2018, from the possession of Mr. Bill Barker ("Barker") at 2204 6th Avenue, Apt. B and Apt. C, Parkersburg, West Virginia 26101, or from the possession of an individual who was identified as "Chanthasaly".

**JURISDICTION AND VENUE**

3. Plaintiff brings this action in rem in its own right to forfeit and condemn the defendant properties. This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a).

4. Venue is proper in this district pursuant to 28 U.S.C. § 1355(b)(1), because the acts or omissions giving rise to the forfeiture occurred in this district.

5. Upon the filing of this Amended Verified Complaint, the plaintiff requests that the Clerk of this Court issue an arrest warrant in rem pursuant to Supplemental Rule G(3)(b)(i), which the plaintiff will execute upon the seized personal property in the custody of the United States Marshals\* Service, pursuant to Supplemental Rule G(3)(c).

**BASIS FOR FORFEITURE**

6. The defendant properties are subject to forfeiture to the United States pursuant to 21 U.S.C. § 881(a)(6) because it was purchased with cash that constitutes proceeds of the illegal sale of controlled substances.

**FACTS**

7. On November 14, 2018, the Parkersburg Narcotics Task Force ("PNTF"), obtained a search warrant for 2204 6th Avenue, Apt. B., Parkersburg, West Virginia 26101 (hereinafter "residence") relating to a controlled purchase of suspected marijuana that had previously occurred at the residence. PNTF also had Information that a large shipment of marijuana would be arriving at the residence on November 16, 2018.

8. On November 15, 2018, a confidential informant notified PNTF that the shipment was going to be delivered by an individual who was identified as "Chanthasaly". An Ohio DMV records check for "Chanthasaly's" name revealed a 2016 Honda Acord, bearing Ohio registration plate GVK4721, and 2014 Toyota Tundra, bearing Ohio registration plate GVJ9612 registered in his name.

9. On November 16, 2018, PNTF and the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF") observed a brown Toyota Tundra, bearing the registration number identified the previous day as "Chanthasaly's" Toyota Tundra, and followed the vehicle to Barker's residence.

10. After the driver, later identified as "Chanthasaly", exited Barker's residence, PNTF and ATF executed the warrant on the residence.



11. During the search, the following items were located and seized:

i. Sixteen (16) bags of suspected marijuana located in a safe in the living room;

ii. Four (4) bags of suspected marijuana located on the floor in the living room; and

iii. Thirteen (13) bags of suspected marijuana located in a safe in the bedroom.

12. In addition to the illegal substances, the defendant properties were seized. Some of the identified defendant properties were seized during a consent search of Barker's mother's residence, which was identified as 2204 6th Avenue, Apt. C, Parkersburg, West Virginia 26101. Barker's mother advised that the items that were seized from Apt. C, did not belong to her.

13. The occupant of the residence, Bill Barker ("Barker"), advised PNTF and ATF that he had been selling marijuana for approximately 29 years.

14. Barker disclosed that he had two sources of income—selling marijuana and social security.

15. Barker also admitted that "Chanthasaly" delivered marijuana to him on that day.

16. On the same day, PNTF and ATF initiated a traffic stop of "Chanthasaly's" vehicle and recovered \$15,440. \$15,000 of which was bundled in separate bands of \$1,000 each.

17. PNTF contacted a K-9 unit who performed an exterior sniff of the vehicle. The K-9 indicated on the vehicle.

18. PNTF and ATF observed items consistent with the cultivation of marijuana inside the vehicle. These items consisted of two large buckets with dirt residue in them, a plastic freezer bag, tubing, and two water pressure regulators.

19. ATF further located a black duffle bag, and when opened, ATF immediately smelled a strong odor of marijuana coming from inside the bag. The bag also contained a large stack of U.S. Currency consisting of fifteen (15) smaller stacks each containing \$1,000.00 for a total of \$15,000 in U.S. Currency. An additional \$420.00 was located on "Chanthasaly's" person and \$20.00 was located in the center console of the vehicle.

20. For the foregoing reasons, the defendant properties are forfeitable to the United States, pursuant to 21 U.S.C. § 881(a)(6), because it was purchased with cash that constitutes proceeds of the illegal sale of controlled substances, specifically marijuana, a Schedule I controlled substance.

WHEREFORE, the United States prays that process of warrant in rem issue for the arrest of the defendant properties; that due notice be given to all parties to appear and show cause why the forfeiture should not be decreed; that judgment be entered declaring the defendant properties be forfeited to the United States for disposition according to law; and that the United States be granted such other relief as this Court may deem just and proper, together with the costs and disbursements of this action.

Respectfully submitted,

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VERIFICATION

STATE OF WEST VIRGINIA

COUNTY OF KANAWHA, TO-WIT:

I, Sean A. McNees, Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives, declare under penalty of perjury as provided by 28 U.S.C. § 1746, the following:

That the foregoing Verified Amended Complaint for Forfeiture in rem is based upon reports and information I personally have prepared or gathered and which have been provided to me by various law enforcement personnel, and that everything contained therein is true and correct to the best of my knowledge and belief, except where stated to be upon information and belief, in which case I believe it to be true.

Executed on February 21, 2019.

  
SEAN A. MCNEES  
Special Agent

Taken, subscribed and sworn to before me this 21<sup>st</sup> day of February, 2019.



  
Notary Public

My commission expires on April 26, 2020.